

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

James T. Williams,)
Plaintiff,)
v.)
Financial Collection Agency)
of Anchorage, Inc.)
Defendant.)

Case No. 3 AN-15-09426 CI

COMPLAINT FOR DAMAGES & INJUNCTIVE RELIEF

COMES NOW James T. Williams, by and through counsel Alaska Legal Services Corporation, and as his complaint against the defendant alleges and requests relief as follows:

INTRODUCTION

1. Defendant is a debt collector. This is an action for damages and injunctive and declaratory relief. Defendant violated Alaska's Unfair Trade Practices and Consumer Protection Act (UTPA) and the federal Fair Debt Collection Practices Act (FDCPA).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to AS 22.10.020.
3. Venue is proper in Anchorage under Civil Rule 3.

PARTIES

4. Plaintiff James T. Williams is a resident of the Third Judicial District.
5. Defendant is a debt collector based in the Third Judicial District.

FACTS AND GENERAL ALLEGATIONS

6. Defendant sent plaintiff a letter dated January 16, 2015, which told plaintiff that he owed defendant \$2280.51 and that his creditor for this amount was "multi client." This letter also told plaintiff he owed defendant 8% interest per annum.

7. This letter violates the FDCPA and the UTPA because it fails to tell plaintiff who the actual creditors are; this makes it very difficult for a debtor to evaluate whether the debt collector's demand is legitimate or a fraud.

8. This letter also violates the FDCPA and the UTPA because there does not appear to be a basis for defendant to demand 8% interest per annum.

9. On February 17, 2015, plaintiff asked defendant to cease and desist from its illegal conduct. Defendant never responded to plaintiff's request.

COUNT I: VIOLATION OF THE FDCPA (15. U.S.C. § 1692e)

10. Plaintiff incorporates by reference the allegations in each of the preceding paragraphs.

11. In acting in the aforesaid fashion, Defendant violated the FDCPA.

12. Plaintiff is entitled to damages.

COUNT II: VIOLATION OF THE UTPA
(AS § 45.50.471(a), .535(b))

13. Plaintiff incorporates by reference the allegations in each of the preceding paragraphs.

14. In acting in the aforesaid fashion, Defendant has violated AS §45.50.471(a). Plaintiff is entitled to damages and declaratory relief and an injunction whereby Defendant is commanded to cease and desist from its illegal conduct and to disgorge any monies it has received as a result of illegal letters like the January 16, 2015 letter at issue here.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays the Court to award the following relief:

- (1) Declaratory relief as prayed for above;
- (2) Injunctive relief as prayed for above;
- (3) A judgment awarding plaintiff three times his actual damages or \$500, whichever is greater, under AS 45.50.531(a);
- (4) A judgment awarding plaintiff statutory damages under 15 U.S.C. § 1692k;
- (5) An award to the plaintiff of his costs and expenses of litigation;
- (6) An award to plaintiff of his full attorney's fees; and
- (7) Any such other and further relief as this Court may deem just under the circumstances.

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DATED: 9/3/15

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